

Remarks

In the Office Action dated February 7, 2006, claims 49-66, in the above-identified U.S. patent application were rejected. Reconsideration of the rejections is respectfully requested in view of the above amendments and the following remarks. Claims 49-51 and 60-65 remain in this application and claims 1-48, 52-59 and 66 have been canceled.

Claims 49-66 were rejected under the judicially created doctrine of obviousness type double patenting as unpatentable over claims 1-7 of copending application no. 10/365,231. A terminal disclaimer is attached to this response. In view of the terminal disclaimer, applicants request that this rejection be withdrawn.

Claims 51-66 were rejected under 35 USC §112, first paragraph, as lacking enablement. Claims 52-59 and 66 have been canceled and claim 51 has been amended deleting the intended uses. Applicants point out that claims 60-65 do not recite intended uses but further specify the pharmaceutical carrier and thus are enabled by the present application.

Claim 54 was objected to due to a misspelling. Claim 54 has been canceled and thus this rejection is moot.

Applicants respectfully submit that all of claims 49-51 and 60-65 are now in condition for allowance. If it is believed that the application is not in condition for allowance, it is respectfully requested that the undersigned attorney be contacted at the telephone number below.

In the event this paper is not considered to be timely filed, the Applicant respectfully petitions for an appropriate extension of time. Any fee for such an extension together with any additional fees that may be due with respect to this paper, may be charged to Counsel's Deposit Account No. 02-2135.

Respectfully submitted,

By 

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